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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,078	06/04/2001	Franciscus Roffelsen	VRNGDE P46US	2629

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EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 05/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,078

Applicant(s)

ROFFELSEN, FRANCISCUS

Examiner

Ramesh Krishnamurthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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This office action is responsive to communications filed on 06/04/01.

Claims 1 – 7 are pending.

1. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

2. The disclosure is objected to because of the following informalities: The specification lacks section headings such as Introduction, Summary of Invention, Brief description of drawings, etc. See MPEP 608.01(a)

Appropriate correction is required.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 – 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the mouth" in line 3. It is not clear as to which mouth is being recited here rendering the claim indefinite.

Claim 1 recites the limitation "said one mouth" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "all shut off by an O-ring" in line 3. It is not clear if a single O-ring shuts off all the gaps or if each gap is shut off by a separate O-ring, rendering the claim confusing.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toennesen.

Toennesen discloses a check valve (Fig. 4) comprising, a valve member (70,71) with a channel (76) opening into a groove (74) blocked by a valve element (75) that is displaceable to allow fluid flow past it. The pre-tension on the valve element is adjustable by relative movement between parts (70) and (71) that are connected to each other by screw threads. A screening cap is provided via screw connection to the valve member (70).

The patent to Toennesen discloses the claimed features with the exception of disclosing the valve element to be an O-ring. However, to choose an O-ring as the valve element is considered to be an obvious design expedient over these features as disclosed in Toennesen that provides no new and/or unexpected results nor solves any stated problem.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toennesen as applied to claims 1, 2 and 6 above, and further in view of the German patent Document No. 3360.

8. The patent to Toennesen discloses all the claimed features with the exception of having a further mouth that is sealable by a further O-ring the further mouth communicating with a further channel. The German patent Document No. 3360

discloses that it is known in the art to employ an arrangement having a further mouth that is sealable by a further O-ring the further mouth communicating with a further channel for the purpose of providing pressure relief from both over –pressure and under pressure. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Toennesen an arrangement having a further mouth that is sealable by a further O-ring the further mouth communicating with a further channel for the purpose of providing pressure relief from both over –pressure and under pressure as recognized by German patent Document No. 3360.

The courts have concluded that there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). Also references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA 1969).

9. Claims 3 - 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weaver discloses a check valve having multiple grooves sealed by flexible sealing members. Malec discloses a check valve comprising an O-ring as a valve element. Callahan discloses a check valve in which a single flexible valve element seals a multiplicity of grooves. Strauss discloses a check valve comprising a multiplicity

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of grooves each sealed by a separate O-ring. Epstein discloses a one-way valve in which a flexible element seals an opening. Gregorie discloses an O-ring check valve.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (703) 305 - 5295. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Buiz, can be reached on (703) 308 - 0871. The fax phone number for the organization where this application or proceeding is assigned is (703) 308 - 7765.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.

Ramesh Krishnamurthy, Ph. D., PE
Examiner
Art Unit 3753
May 14, 2002



Michael Powell Buiz
Supervisory Patent Examiner
US Patent & Trademark Office

5/17/02